

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

August 5, 2002

RESPONSIBLE STAFF:

Jennifer Russel

AGENDA ITEM:

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input checked="" type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	7/17/02
	7/24/02
Hearing Date	8/05/02
Record Held Open	
Policy Discussion	

TITLE:

T-352—An Ordinance to Amend Chapter 24 of the City Code (City Zoning Ordinance) Article III, Entitled "Regulations Applicable to Particular Zones" Division 14 Entitled "I-1 Zone, Light Industrial", Section 24-136 Entitled "Uses Permitted by Right" and Section 136A Entitled "Special Exception Uses" and Division 15 Entitled "I-3 Zone, Industrial and Office Park" Section 24-143 Entitled "Uses Permitted by Right" and Section 24-144 Entitled "Uses Permitted as Special Exceptions" to Provide for Requirements Applicable to Adult-Oriented Businesses, Tattoo Parlors and Body Piercing Establishments.

SUPPORTING BACKGROUND:

This is a companion ordinance to T-351 which defines adult-oriented establishments, body piercing establishments, and tattoo parlors. This text amendment adds adult oriented businesses as a use permitted by right in the I-1 and I-3 zones subject to certain conditions. Tattoo parlors and body piercing establishments are added as special exceptions in the I-1 and I-3 zones subject to certain requirements which are outlined in the text of the ordinance.

DESIRED OUTCOME:

Planning Commission to hold record open for two days; Mayor and Council to hold record open for nine days.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE (CITY ZONING ORDINANCE) ARTICLE III, ENTITLED "REGULATIONS APPLICABLE TO PARTICULAR ZONES" DIVISION 14 ENTITLED "I-1 ZONE, LIGHT INDUSTRIAL", SECTION 24-136 ENTITLED "USES PERMITTED BY RIGHT AND SECTION 136A ENTITLED "SPECIAL EXCEPTION USES" AND DIVISION 15 ENTITLED "I-3 ZONE, INDUSTRIAL AND OFFICE PARK" SECTION 24-143 ENTITLED "USES PERMITTED BY RIGHT" AND SECTION 24-144 ENTITLED "USES PERMITTED AS SPECIAL EXCEPTIONS" TO PROVIDE FOR REQUIREMENTS APPLICABLE TO ADULT-ORIENTED BUSINESSES, TATTOO PARLORS AND BODY PIERCING ESTABLISHMENTS.

Text Amendment No. T-352

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland in public meeting assembled that Chapter 24, Article III, Sections 24-136, 24-136A, 24-143 and 24-144 of the City Code and they are hereby amended as follows:

ARTICLE III. REGULATIONS APPLICABLE TO PARTICULAR ZONES.

* * * * *

DIVISION 14. I-1 ZONE, LIGHT INDUSTRIAL

* * * * *

Sec. 24-136. Uses permitted by right.

The following uses are permitted by right in the I-1 Zone:

* * * * *

B. CULTURAL, ENTERTAINMENT AND RECREATIONAL:

* * * * *

(6). Adult-oriented businesses subject to the following requirements:

- (a) Goods, merchandise, materials sold, rented or bartered or live performances must not be visible from outside the establishment.**

- (b) Access must be prohibited to any person under the age of 21 years.
- (c) The business must be located at least one (1000) thousand feet away from any property: (i) located in a residential zone or (ii) on which a school, library, park, playground, recreational facility, daycare center or where as other adult-oriented business is located. The distance must be measured in a straight line from the front entrance of the adult-oriented business to the nearest point of a boundary line to the uses described in subsection (6)(c)(i) and (ii) hereinabove.
- (d) The business may operate only between the hours of 9:00 am and 9:00 pm.

* * * * *

Sec. 24-136 A. Special exception uses.

* * * * *

(9) Tattoo parlors and body piercing establishments subject to the following requirements in addition to other requirements generally for approving special exceptions and compliance with conditions imposed by the City Board of Appeals:

- (a) The business premises must not be located within one thousand (1000) feet of the boundaries of property containing a school, church, religious facility or other tattoo parlor or body piercing establishment or any residentially zoned property including property in the MXD Zone.
- (b) The business premises may only operate between the hours of 9:00 am and 9:00 pm.
- (c) The business must conform to any applicable state and local health and safety regulations.
- (d) No instruments or equipment shall be used which has not been sterilized for use on any customer or client.

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DIVISION 15, I-3 ZONE. INDUSTRIAL AND OFFICE PARK

Sec. 24-143. Uses permitted by right.

* * * * *

(6). Adult-oriented businesses subject to the following requirements:

- (a) Goods, merchandise, materials sold, rented or bartered or live performances must not be visible from outside the establishment.
- (b) Access must be prohibited to any person under the age of 21 years.
- (c) The business must be located at least 1000 feet away from any property (i) located in a residential zone or (ii) on which a school, library, park, playground, recreational facility, daycare center or where any other adult-oriented business is located. The distance must be measured in a straight line from the front entrance of the adult-oriented business to the nearest point of a boundary line to the uses described in subsection (6)(c)(i) and (ii) hereinabove.
- (d) The business may operate only between the hours of 9:00 am and 9:00 pm.

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Sec. 24-144. Uses permitted as special exceptions.

The following uses are permitted in the I-3 Zone as special exceptions after approval by the board of appeals:

- | | | | | | |
|-----|------------------|---|---|---|---|
| (a) | Amusement center | * | * | * | * |
| (1) | * | * | * | * | * |
| (2) | * | * | * | * | * |
| (3) | * | * | * | * | * |

[(a)](b) Pawn shops, provided that a pawn shop is not located within one thousand (1000) feet of the boundaries of property containing a school, churches, religious facilities, or any other pawnshop or any residentially zoned property, including property in the MXD Zone designated on an approved schematic development plan or sketch plan for residential use, and said use shall comply with the requirements of Chapter 44A, Montgomery County Code as amended. Pawnshops existing as of the effective date of this amendment shall conform to the provisions of Section 24-167C(2) of the City Code.

- (c) Tattoo parlors and body piercing establishments subject to the following requirements in addition to other requirements generally for approving special exceptions and compliance with conditions imposed by the City Board:

- (1) The business premises must not be located within one thousand (1,000) feet of the boundaries of property containing a school, church, religious facility or other tattoo parlor or body piercing establishment or any residentially zoned property including property in the MXD Zone.
- (2) The business premises may only operate between the hours of 9:00 am and 9:00 pm.
- (3) The business must conform to any applicable state and local health and safety regulations.
- (4) No instruments or equipment shall be used which has not been sterilized for use on any customer or client.

* * * * *

ADOPTED by the City Council of Gaithersburg, Maryland, this _____ day of _____, 2002.

SIDNEY A. KATZ, Mayor and
President of the City Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland this _____ day of _____, 2002. APPROVED/VETOED by the Mayor of the City of Gaithersburg, Maryland this _____ day of _____, 2002.

SIDNEY KATZ, Mayor

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the _____ day of _____, 2002 and the same was APPROVED/VETOED by the Mayor of the City of Gaithersburg On the _____ day of _____, 2002. This Ordinance will become effective on the _____ day of _____, 2002.

DAVID B. HUMPTON, City Manager